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ABSTRACT

Since passage of Ohio's Public Employee Collective Bargaining Act of 1984, Ohio public employees have voted to join unions in more than 70% of elections, and 90,584 Ohio public employees gained union representation from 1984 to 1992. Before the establishment of Ohio's multitiered collective bargaining process, which involves intervention by a mediator and fact-finder, Ohio averaged 61 public sector strikes yearly. Since collective bargaining, that figure has decreased to 12.7. Nearly half the strikes of the past 10 years have involved teachers. Between one-third and one-half of Ohio's 612 school districts engage in collective bargaining each year, and 96.3% of all negotiations involving teachers have ended in an agreement without a strike. Those teacher strikes that have taken place have lasted an average of 9.9 days (approximately 5% of a total school year's instructional time). Teacher strikes have not been shown to have any perceptible impact on student achievement in Ohio; rather, the derivative impact of the higher teacher salaries and lower pupil-to-teacher ratios achieved through collective bargaining has likely enhanced student achievement. (Twenty tables and a 22-item bibliography are included. Appended are tables of data about Ohio public sectors strikes in the years 1984 through 1993.) (MN)

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Working Paper Series

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Center for Labor Research

PUBLIC SECTOR COLLECTIVE BARGAINING IN OHIO, 1984—1993: A STATISTICAL OVERVIEW

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The Ohio State University

WP-014
February, 1995

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INTRODUCTION

There have been several landmarks in establishing the democratic rights of workers to organize and bargain collectively in the United States. The Railway Labor Act of 1926 affirmed the right of railroad employees to organize unions without coercion and outlawed company unions on the railroads. The National Labor Relations Act or the Wagner Act of 1935 established the fundamental right for workers to join unions of their own choosing and engage in collective bargaining. The Wagner Act established the National Labor Relations Board to oversee representation elections and to enforce the rights of workers and their unions.

The legal right of public employees to bargain collectively through a union of their own choosing has generally lagged behind the rights of employees in the private sector. Congress approved the right of postal workers to form unions in 1912. A half century would pass, however, before most employees of the federal government could legally join unions. In 1962 John F. Kennedy issued Executive Order 10988 which established the right of federal workers to organize unions and engage in collective bargaining. Under this decree, federal workers needed 60 percent approval to win a representation election and were not permitted the right to strike. In 1970 Richard NIxon issued Executive Order 11941 establishing binding arbitration to solve impasse situations for federal employees, but they still were denied the right to strike.

In Ohio, the rights of public workers have been an issue for the past fifty years. The Ohio legislature passed the Ferguson Act in 1947 prohibiting strikes against public authority. The Ferguson Act dealt only with strikes and imposed severe penalties. A public worker could be dismissed for joining a strike. If rehired, a public employee could not enjoy any wage increase that might have been achieved, but had to work at his or her previous wage. Finally, any public employee rehired after strike activity was placed on probation for two years. The Ohio Supreme Court also ruled in 1947 that a city could not agree to deduct dues from union

members (eventually overturned in 1959). That same year, State Senator Howard Metzenbaum introduced a bill to allow collective bargaining for Ohio's public workers. It never received a hearing. It would be nearly forty years before public employees in Ohio achieved that fundamental right. In 1967, collective bargaining bills were introduced in both the Ohio House and Senate, but neither reached the floor as non-AFL-CIO unions supported the senate version and AFL-CIO unions supported the House bill. In 1975, State Senator Harry Meshel introduced SB 70 which passed both houses, but was vetoed by Republican Governor James Rhodes. Two years later Meshel introduced a similar bill which again got through the legislature, but was again vetoed by Rhodes. The Senate overrode that veto, but the bill never reached the House floor for an override vote.

Despite these setbacks, the tide was turning. The Ohio Supreme Court upheld local government and public employee collective bargaining in 1975. An Ohio Attorney General's opinion granted similar rights to county employees in 1980. Public employees in Ohio finally gained the full right to collective bargaining in 1983. Senator Eugene Branstool introduced SB 133, which passed both houses and was signed into law by Governor Richard Celeste on July 6, 1983. The law's major provisions took effect April 1, 1984.

The Public Employee Collective Bargaining Act of 1984 regulates virtually all aspects of labor relations in the public sector in Ohio. All Ohio public employers (with few exceptions, such as villages with a population of less than 5000) are under the law's jurisdiction. The Collective Bargaining Act established the State Employment Relations Board (SERB). The three member SERB and its administrative staff act as a neutral, quasi-judicial board. SERB regulates three primary areas of labor-management relations: representation elections; collective bargaining during contract negotiations; and adjudication of unfair labor practices.

Representation in the Private and Public Sectors

Throughout the United States, significant unionization of the private sector preceded union representation for public employees. As the size and importance of the public sector has grown, the legal rights of public workers have gradually been established at the national, state and local levels. Representation for public workers jumped significantly in 1962 when John F. Kennedy issued Executive Order 10988 establishing the right of federal workers to organize. Since then most states have followed suit and allow some form of collective bargaining for public employees. Public sector representation rates grew steadily until the mid-1970s and have remained remarkably stable in the past twenty years. Today, the representation rates for public employees triples the percentage of private sector workers that are unionized. Public employee unions are now the most dynamic force in the American labor movement.

UNION MEMBERSHIP IN UNITED STATES
(Numbers in Thousands)

Year	% Workforce	% Private	% Public	Total U.S. Members	Private Members	Public Members
1948	31.8	34.7	12.1	14,271.9	13,591.0	680.9
1949	31.9	34.9	12.1	13,935.8	13,227.3	708.6
1950	31.6	34.6	12.3	14,294.2	13,550.4	743.8
1951	31.7	34.7	12.0	15,139.4	14,375.6	763.9
1952	32.0	35.2	12.0	15,632.0	14,839.0	793.0
1953	32.5	35.7	11.6	16,310.0	15,540.2	769.8
1954	32.3	35.6	11.4	15,808.5	15,035.9	772.6
1955	31.8	35.1	11.4	16,126.9	15,341.3	785.6
1956	31.4	34.7	11.1	16,446.0	15,641.0	805.0
1957	31.2	34.7	10.7	16,497.7	15,686.6	811.1
1958	30.3	33.9	10.6	15,570.5	14,736.0	834.5
1959	29.0	32.3	10.5	15,438.3	14,591.4	846.9
1960	28.6	31.9	10.8	15,516.1	14,613.4	902.7
1961	28.5	31.9	10.6	15,400.5	14,487.3	913.2
1962	30.4	31.6	24.3	16,893.9	14,731.9	2,161.9
1963	30.2	31.2	25.1	17,133.4	14,815.1	2,318.3
1964	30.2	31.0	26.0	17,597.2	15,101.6	2,495.6

UNION MEMBERSHIP IN UNITED STATES
(Numbers in Thousands)

Year	% Workforce	% Private	% Public	Total U.S. Members	Private Members	Public Members
1965	30.1	30.8	26.1	18,268.9	15,637.7	2,631.2
1966	29.6	30.3	26.1	18,922.3	16,110.8	2,811.2
1967	29.9	30.5	27.0	19,667.8	16,597.5	3,073.3
1968	29.5	29.9	27.3	20,017.4	16,782.2	3,235.2
1969	28.7	29.0	26.9	20,185.6	16,902.0	3,283.6
1970	29.6	29.1	32.0	20,990.3	16,978.3	4,014.0
1971	29.1	28.2	33.0	20,711.1	16,460.5	4,250.6
1972	28.8	27.3	35.4	21,205.8	16,484.9	4,720.9
1973	28.5	26.6	37.0	21,881.3	16,803.5	5,077.8
1974	28.3	26.2	38.0	22,165.4	16,780.8	5,384.6
1975	28.9	26.3	39.6	22,207.0	16,397.4	5,809.6
1976	27.9	25.1	40.2	22,153.0	16,172.7	5,980.3
1977	26.2	23.6	38.1	21,632.1	15,875.8	5,756.3
1978	25.1	22.5	36.7	21,756.5	16,004.5	5,752.0
1979	24.5	22.0	36.4	22,025.4	16,225.9	5,799.5
1980	23.2	20.6	35.1	20,968.2	15,273.4	5,694.8
1981	22.6	19.9	35.4	20,646.8	14,973.6	5,673.1
1982	21.9	19.0	35.2	19,571.4	14,006.9	5,564.5
1983	20.7	17.8	34.4	18,633.6	13,222.9	5,410.7
1984	18.8	15.5	35.8	17,340.0	11,647.0	5,654.0
1985	18.0	14.6	35.8	16,996.0	11,227 0	5,740.0
1986	17.5	14.0	36.0	16,975.0	11,051.0	5,888.0
1987	17.0	13.4	36.0	16,913.0	10,826.0	6,055.0
1988	16.8	12.9	36.7	17,002.0	10,674.0	6,298.0
1989	16.4	12.4	36.7	16,960.0	10,520.0	6,422.0
1990	16.1	12.1	36.5	16,740.0	10,227.0	6,484.0
1991	16.1	11.9	36.9	16,568.0	9,909.0	6,627.0
1992	15.8	11.5	36.7	16,390.0	9,703.0	6,650.0

REPRESENTATION ELECTIONS

SERB determines the composition of bargaining units, conducts elections, and certifies unions if victorious. A public employer is the state or any political subdivision of the state, such as school districts, universities, state agencies, authorities, and commissions, counties and municipalities. Employees can demonstrate majority support for a union by submitting a request for recognition with SERB or by petitioning SERB for a representation election. If employees submit a request for recognition and can provide substantial evidence that a majority wishes to join a specific union and they are not challenged by their employer, SERB may recognize the unon as the exclusive representative. Otherwise, at least 30 percent of the employees in an unrepresented unit must express interest in representation (sign cards) and petition SERB for a representation election.

After SERB has determined the bargaining unit, it issues a Notice of Election which the employer must post no later than ten days before an election. Elections are by secret ballot and conducted by SERB agents. Employees may vote for any employee organization which has qualified for the ballot or for no representative. A ballot chioce must win by a simple majority. In a tie between the union and no representation, no representation wins. In an election with three or more ballot choices, in which no choice recieves greater than 50 percent, SERB holds a runoff election between the top two vote-getting choices. Any objections to the conduct of an election must be filed within ten days of the tally of ballots. If enough ballots are challeged to affect an election result, SERB may dismiss the objections, direct a recount of some or all of the challenged ballots, or set aside the election and direct a rerun election. After the election, SERB will issue a certification of the election. If the union prevails, it will be certified as the exclusive bargaining agent for the employees. SERB may also certify a union if it determines a free election is impossible because of an employers unfair labor practices in a unit that once had majority support for the union.

Representation Summaries

In the private sector, 93 percent of certification elections involve AFL-CIO affiliates. There are many more independent unions in the public sector (especially teachers unions). AFL-CIO unions are on the ballot in only about 60 percent of public sector representation elections. The most active unions in organizing public employees are AFSCME, NEA, AFT, IBT, SEIU, CWA, FOP, IAFF, IUOE, IBEW, LIUNA, and the USWA.

Ohio already had a history of strong unionization in certain sectors of public employment, such as municiple governments and school districts, before the collective bargaining law. Teachers associations, for example, were often in place before they gained official status as certified unions. The largest unorganized groups of public employees were in state and county governments. In the first few years after the law took effect there was a burst of voluntary recognitions and certification elections. The greatest gains in representation came in sectors that were only lightly unionized before the law. The law had much less impact on heavily unionized sectors.

Ohio public employees have voted overwhelmingly to join unions in representation elections since the collective bargaining law of 1983. Public employees have chosen to join a union in greater than 70 percent of the elections. 90, 584 Ohio workers gained representation through certification elections or card checks (requests for recognition) from 1984 to 1992. Public workers in Ohio rarely choose to lose representation once it has been achieved. Only 1, 413 workers lost representation to "no representative." There is, however, a strong demand for responsive union leadership and democratic principles in public sector unions. 9,740 Ohio public employees switched from one union to another in challenge elections in these years.

Representation Elections

	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	Total
Elections held	127	146	161	163	137	137	150	198	415	108	1,742
Unit Determination elections held (professional/ nonprofessional)	3	5	11	24	22	16	11	25	47	N/A	164
Choices for representation	99	116	123	115	87	96	93	143	286	76	1,234
Union success rate in election campaigns	78%	79%	76%	71%	64%	71%	62%	72%	69%	70%	71%
Election results unresolved due to determinative challenged ballots	2	2	2	3	3	2	2	6	6	N/A	28
Approximate number of eligible voters	5,759	5,437	6,307	7,035	7,781	6,102	8,927	15,275	57,000	6,866	126,489
Voter turnout	5,110	4,581	5,437	5,910	6,931	5,238	7,697	13,316	46,000	6,322	106,542
Certification request for recognition	44	32	31	22	32	29	39	68	362	150	809

COLLECTIVE BARGAINING

Bureau of Mediation

Collective bargaining for Ohio's public employees is a several tiered process. A party who wishes to begin negotiations (employer or employee organization) files a Notice to Negotiate with SERB. The time period for negotiation is 60 days (90 days for an initial agreement). SERB appoints a mediator 45 days before the end of the negotiating period if no agreement has been reached. SERB then appoints a fact-finder 30 days before the end of the negotiating period if an agreement still has not been reached. The fact-finder has 14 days to issue a report with a recommendation on each disputed issue. The parties may continue to negotiate and reach an agreement during this time. If they have not reached an agreement, the parties have seven days to vote on the report as a whole. If both parties accept the report, an agreement is reached. A three-fifths majority is needed by either party to reject the report. If SERB does not recieve a rejection vote within seven days, the Board deems that the report has been accepted.

If either party rejects the report, the employer may implement its own terms of an agreement and the employee organization may strike after giving 10-days notice to SERB. If the bargaining unit is forbidden to strike, the remaining disputed issues are submitted to conciliation, binding arbitration. The arbitrator's decision is final.

By mutual agreement, the parties may adopt alternative dispute settlement procedures (MADs) which supercede the above procedures.

COLLECTIVE BARGAINING

Bureau of Mediation

NOTICE TO NEGOTIATE
(initiates a 60 day negotiating period)

|

MEDIATOR APPOINTED
(45 days left to resolve disputes)

|

FACT-FINDER APPOINTED
(30 days left to resolve disputes)
(parties continue to negotiate as fact-finder prepares report)

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FACT-FINDER ISSUES REPORT
(16 days left to resolve disputes)
(parties have seven days to accept or reject report)
(report may be deemed accepted if no 3/5 rejection vote is received by SERB)

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NOTICE OF INTENT TO STRIKE OR CONCILIATION
(employee organization must give 10-days notice to SERB before a strike)
(employees not permitted to strike submit to binding arbitration)

COLLECTIVE BARGAINING AGREEMENTS

	1993	1992	1991	1990	1989
Total of All Public Employers	2,728	2,729	2,869	2,866	2,861
Local Gov't	1,960	1,959	2,099	2,096	2,091
State Gov't	5	5	5	5	5
Boards of Ed.	763	765	765	765	765
Total number of Public Employers with Contracts	1,322	1,310	1,315	1,280	1,257
Local Gov't	670	659	664	632	613
State Gov't	5	5	5	5	5
Boards of Ed.	647	646	646	643	639
Total Contracts files with SERB	2,715	2,650	2,632	2,537	2,464
Local Gov't	1,516	1,455	1,439	1,358	1,301
State Gov't	13	13	13	12	11
Boards of Ed.	1,186	1,182	1,180	1,167	1,152
Total Employees covered	326,723	325,980	325,746	312,719	306,703
Local Gov't	109,045	106,505	106,850	99,367	94,229
State Gov't	44,174	44,118	47,376	44,949	44,893
Boards of Ed.	173,504	175,357	171,520	168,403	167,581

Collective Bargaining Agreements (con't)

	1988	1987	1986	1985	1984
Total of All Public Employers	2,879	2,737	2,623		
Local Gov't	2,110	1,965	1,867		
State Gov't	5	5	5		
Boards of Ed.	764	767	751		
Total number of Public Employers with Contracts	N/A	N/A	N/A		
Local Gov't	N/A	N/A	N/A		
State Gov't	N/A	N/A	N/A		
Boards of Ed.	N/A	N/A	N/A		
Total Contracts files with SERB	2,434	2,362	2,177		
Local Gov't	1,275	1,221	1,086		
State Gov't	12	12	7		
Boards of Ed.	1,147	1,129	1,084		
Total Employees covered	304,471	364,937	270,272		
Local Gov't	92,948	120,411	78,562		
State Gov't	47,397	41,812	41,858		
Boards of Ed.	164,126	202,714	149,852		

Mediation

The second main function of the State Employment Relations Board is to facilitate collective bargaining. The collective bargaining process under SERB has been remarkably stable with very little strike activity. The mediation, fact finding, and conciliation process overseen by SERB in Ohio's public sector collective bargaining has been criticized, however, as producing a "narcotic effect." The narcotic effect is the frequent and continued use of statutory dispute resolution mechanisms, that is, instead of significant negotiation between the interested parties there is an overreliance on a neutral party (in this case SERB) to impose a settlement. Studies on Ohio's safety forces, prohibited from striking, seem to show a strong narcotic effect in Ohio. However, the stable and effective functioning of Ohio's public sector bargaining calls into to question whether the narcotic effect is necessarily a bad development.

BUREAU OF MEDIATION SUMMARIES

Mediation Process

	1993	1992	1991	1990	1989	1988	1987	1986	1984-85
Notices to negotiate	1,257	1,205	1,377	1,205	1,237	1,262	1,254	1,233	
Mediator appointed	754	762	759	718	631	733	667	672	
Fact-finder appointed	641	638	653	586	540	631	577	672	
Fact-finder reports issued	248	191	233	197	212	200	204	240*	
Conciliator appointed	63	84	67	68	43	39	73	64	
Notices of Intent to Strike	78	37	86	281	94	96	N/A	N/A	
Strikes	11	10	17	13	17	14	18	14	
Impasse matters settled/ withdrawn	1,238	1,092	1,248	1,327	1,309	1,186	N/A	1,078	

Bureau of Mediation Summaries (con't)

Mediation (Statutory and MADs)

	1993	1992	1991	1990	1989
Notices to Negotiate	1,257	1,205	1,377	1,205	1,237
Statutory	725	698	761	696	605
Initial	100	111	127	73	50
Reopener	59	93	97	95	109
Successor	566	494	537	528	446
MADs	532	507	616	509	632
Initial	2	7	8	15	10
Reopener	61	109	86	111	124
Successor	469	391	522	383	498

FACT-FINDING

Fact-Finding Reports
Accepted, Rejected, Settled

	1993	1992	1991	1990	1989	1988	1987	1986	5/4
Total number Fact-Finding reports and settlements	248	191	233	197	212	200	204		
Total cases accepted	97	62	59	56	52	68	77	64	91
Accepted by both parties	16	19	23	16	19	N/A	N/A		
Deemed accepted	81	43	36	40	33	N/A	N/A		
by employees organization	13	10	5	3	6				
by employer	37	15	8	23	13				
by both parties		31	18	23	14	14			
Total cases rejected	112	92	131	97	97	88	79	123	83
by employee organization	60	38	43	50	46				
by employer	43	44	73	37	37				
by both parties		9	10	15	10	14			
Cases settled via Fact-Finding	39	37	43	44	63	44	48	53	40

Fact-Finding (con't)

Fact-Finding Cases by Employer Type

	1993	1992	1991	1990	1989	1988	1987	1984-6
Cities	131	96	115	109	115	83	107	148
Counties	67	47	62	59	52	63	44	83
School Districts	21	11	27	14	25	31	30	46
Townships	20	16	15	12	11	15	14	4
Universities	3	8	5	2	5	4	6	7
State Government	0	4	1	1	2	0	0	2
Other/Authorities	6	9	8	0	2	4	3	3
Total	248	191	233	197	212	200	204	293 (?)

Fact-Finding Cases by Employee Type

	1993	1992	1991	1990	1989	1988	1987	1984-6
Police	155	116	131	123	109	98	98	
Fire	24	16	32	21	26	21	28	
Teaching	14	8	14	14	24	26	22	
Nursing	2	1	2	0	2	1	1	
Other	55	50	54	39	51	54	55	
Total	248	191	233	197	212	200	204	293 (?)

Strikes

Before collective bargaining, from 1978 to 1980, Ohio averaged 61 public sector strikes per year. The penalties mandated by the Ferguson Act were typically not enforced by struck employers. Many employers thought enforcement would sour relations with their employees and do more harm than good. Furthermore, the procedure for replacing employees was expensive.

Since collective bargaining was established in 1984, Ohio has averaged only 12.7 strikes per year. Safety forces, including police, firefighters, and emergency medical service personnel, are prohibited from striking and submit to conciliation (binding arbitration). Almost precisely half of the strikes in the ten years since the law took effect involved teachers. These teacher strikes, however, have had no meaningful impact on student achievement. The state requires school districts to meet all the education requirements for a 182-day school year in order to be eligible for any state aid. This provides a strong incentive to bargain. Of the 612 school districts in Ohio, about one-third to one-half engage in collective bargaining in any one year. 96.3 percent of all negotiations involving teachers suceeded before a strike occurred between the 1984-85 and 1991-1992 school years. Only 2.5 to 3.7 percent of the districts involved in negotiations in an average year were unable to conclude an agreement without a strike. The teacher strikes that did take place lasted an average of only 9.9 days or about 5 percent of the total school year's instructional time. Overall, in collective bargaining for teachers during these years, less than .07 percent of total instructional time available was lost due to teacher strikes. Teacher strikes appear to have no perceptable impact on student achievement. If anything, the derivative impact of higher teacher salaries and a lower pupil to teacher ratio achieved through collctive bargaining has enhanced student achievement.

STRIKES

Public sector strikes before and after the collective bargaining act

Before:

1978	1979	1980	1981	1982	1983
67	56	60	N/A	N/A	N/A

After:

1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
4	9	14	18	14	17	13	17	10	11

The U.S. Department of Labor, Bureau of Labor Statistics stopped keeping states' public sector strike data after 1980. Figures from 1984-1993 are SERB's.

Public sector strikes, April 1, 1984—December 31, 1993

Type	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	Total
Education	9	8	10	9	15	10	14	9	4	3	91
City	0	0	1	1	0	0	2	1	1	0	6
County	2	2	6	3	2	2	2	2	4	1	26
Township	0	0	0	0	0	0	0	0	0	0	0
Transit Authority	0	0	0	0	0	2	0	2	0	0	4
Total	11	10	17	13	17	14	18	14	9	4	127

LENGTH OF STRIKES

Year	Number of Strikes	Total Days Lost	Avg. Length of Strikes
1984	4	28	7 days
1985	9	123	13.67
1986	14	346	24.71
1987	18	288	16
1988	14	376	26.86
1989	17	188	11.06
1990	13	282	21.69
1991	17	258	15.18
1992	10	213	21.3
1993	12	249	20.75
1984-93	128	2,350	18.36

LENGTH OF STRIKES (PERCENT)

Length of strike	Number strikes	Percent of total strikes
0-10 days	63	49.2%
11-20	31	24.2
21-30	12	9.4
31-40	5	3.9
41-50	4	3.1
51-60	2	1.6
61-70	2	1.6
71-80	6	4.7
81-90	0	0
91-100	2	1.6
101-110	1	0.8

TEACHER STRIKES IN OHIO: 1984-1992

School Year	No. of Strikes	Total Duration (days)	Mean Duration (days)
1984-85	3	30	10.0
1985-86	5	40	8,0
1986-87	8	80	12.7
1987-88	14	178	12.7
1988-89	9	75	8.3
1989-90	10	131	13.1
1990-91	6	36	6.0
1991-92	6	33	5.5
Column Totals	61	603	
Column Averages	7.6	75.4	9.9

UNFAIR LABOR PRACTICES

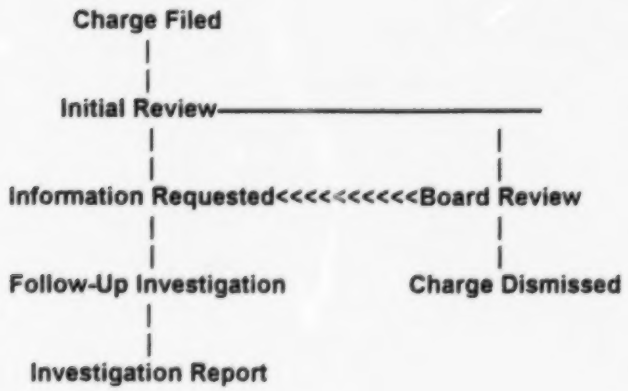
SERB's third major function is to prevent or remedy unfair labor practices. The Ohio Revised Code defines certain actions as unfair labor practices (ULPs). These include interfering with employee rights; refusal to bargain; obstructing grievance processing and fair representation; unlawful lockouts, strikes, and picketing; and causing an unfair labor practice. A charge may be filed by or against an employer, employee, or union within 90 days of the last occurance of the alleged ULP. The Investigation Phase determines whether or not an ULP has been committed. When a charge is filed, the staff in SERB's Investigation Section conduct an initial review to determine if the charge is an ULP. If they find no ULP has occurred, they submit a report to the Board. The Board may dismiss the charge or return the case to the Investigation Section for further study. If the case passes the initial review or the Board rules a ULP has occurred, each party submits information. The Investigation Section presents a report to the Board for review.

During the Determination Phase, the Board may dismiss the charge or find probable cause, in which case an ULP complaint is issued. The charged party must admit, deny, or explain each charge in writing. A Board member or hearing officer then conducts an evidentiary hearing and issues a decision and recommended order. Any party may file an exception disagreeing with the decision within twenty days. If substantial exceptions are filed, the Board may change or rescind the proposed decision and recommended order.

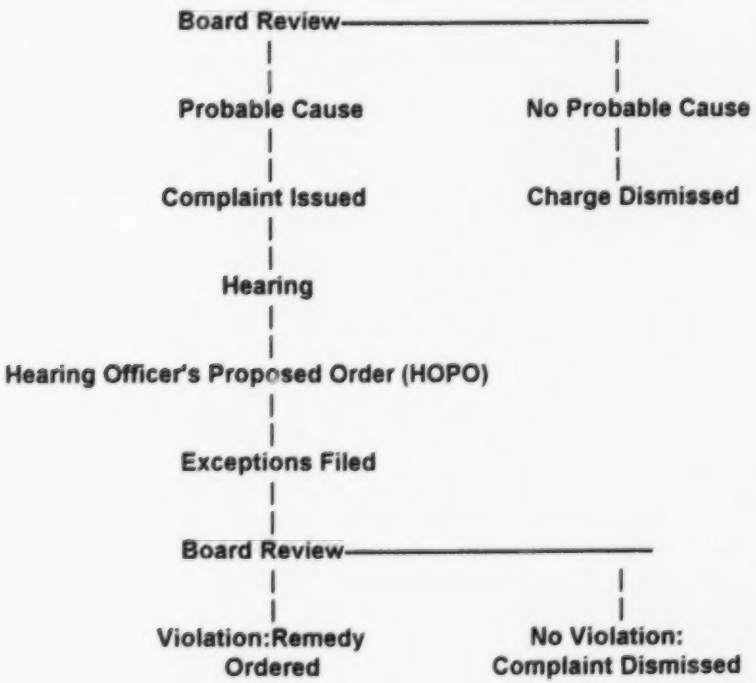
If the Board finds no violation has occurred, the complaint is dismissed. The Board imposes a remedy if an unfair labor practice has occurred.

UNFAIR LABOR PRACTICES

INVESTIGATION PHASE



DETERMINATION PHASE



UNFAIR LABOR PRACTICES SUMMARIES

Cases

	1993	1992	1991	1990	1989
ULP Charges filed	734	750	786	779	719
Probable Cause Findings	115	137	130	172*	173
Complaints issued	93	138	105	134*	173
Complaints settled	105	89	117	179	90
Complaints adjucated	16	14	28	37	50
ULP Hearings Held	8	12	17	48	26
ULP Proposed Orders	19	10	28	32	37
ULP Charges Dismissed	365	326	452	474	277
ULP Charges Withdrawn	271	210	192	213	285
Deferrals to Arbitration (with retention of jurisdiction)	14	10	10	8	7

Cases

	1988	1987	1986	1985	1984	Total
ULP Charges filed	720	629	506	417	287	5,593
Probable Cause Findings	137	223	140	65	11	1,188
Complaints issued	147	156	83	46	8	990
Complaints settled	122	62	28	**	**	688
Complaints adjucated	52	48	21	**	**	250
ULP Hearings Held	55	61	29	31	4	283
ULP Proposed Orders	51	44	26	14	4	246
ULP Charges Dismissed	170	220	110	94	68	2,191
ULP Charges Withdrawn	246	127	119	147	21	1,560
Deferrals to Arbitration (with retention of jurisdiction	8	**	**	**	**	43

* Adjusted figure.
** Individual statistics not kept.

Unfair Labor Practice Allegations

	1993	1992	1991	1990	1989
Total Allegations	734	750	786	779	719
Alleged Employer Violations	560	553	617	611	527*
Alleged Employee/ Empoyee Orgainzation Violations	174	197	169	168	160*

* 32 allegations files aginst both employer and employee/org.?

Unfair Labor Practice Allegations

	1988	1987	1986	1985	1984	Total
Total Allegations		720	629	506	417	287	5,593
Alleged Employer Violations		590**					
Alleged Employee/ Empoyee Orgainzation Violations		116**					

** 14 See above?

Board Findings of Statutory Violations

1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	Total
7	10	16	25	41	38	39	18	9	0	203

HEARINGS SECTION SUMMARIES

Cases referred to hearings section

Case Type	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	Total
REP	55	74	80	48	53	40	62	102	330	341	1,185
ULP	93	138	111	186	154	198	156	83	46	8	1,173
RBT	0	169	0	28	66	30	166	0	0	0	459
OTHER	1	0	1	0	6	1	6	9	2	0	26
TOTAL	149	381	192	262	279	269	390	194	378	349	2,843

Cases brought to hearing

Action	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	Total
Hearings held	20	19	35	48	40	72	89	68	118	38	547
Days on Record	30	21	40	59	43	86	115	99	185	57	735
HOPOs/HORDs	26	21	52	57	58	71	71	67	125	33	581

Appendix

Ohio Public Sector Strikes

1984

Employer	Employee Organization	Size of Unit	County	Dates	Length
Mahoning County Engineer	CTWH, Local 377	17	Mahoning	6/13 6/14	2 days
South Euclid-Lyndhurst B. of Ed.	OAPSE, Local 110	105	Cuyahoga	8/22 8/23	2 days
Liberty B. of Ed.	OAPSE	70	Trumbull	8/30 9/8	10 days
Washington Local B. of ED.	OEA	475	Scioto	10/4 10/17	14 days

1985

Employer	Employee Organization	Size of Unit	County	Dates	Length
Summit Co. Human Services Dept.	AFSCME	348	Summit	2/14/85 3/27/85	42 days
Clermount Co. Human Services Dept.	OCSEA	Unknown	Clermount	3/15 3/28	14
Clermount Co. Water and Sewer Dept.	AFSCME	Unknown	Clermount	3/15 3/28	14
City of Springfield and Springfield B. of Parks	AFSCME	150/20	Clark	8/20 8/22	3

Girard City B. of Ed.	OEA	Unknown	Trumbull	8/23 8/26	4
Campbell City B of Ed.	OEA, OAPSE Local 141	161	Mahoning	9/3 9/3	1
Stark Co. B. of Mental Retardation	Stark Co. Ed. Assoc.	164	Stark	9/4	?
Toronto B. of Ed.	OEA	79	Jefferson	9/4 9/27	24
Cuyahoga Co. Human Services Dept.	AFSCME	1500	Cuyahoga	9/30 10/16	17

1986

Employer	Employee Organization	Size of Unit	County	Dates	Length	
City of Lorain	USWA Local 6621	221	Lorain		1/7/86	1 day
Kenston City B. of Ed.	OEA	128	Geauga	3/3 3/4	2	
Vandalia-Butler City B. of Ed.	OAPSE Local 195	147	Montgomery	3/10 3/31	22	
Jefferson Technical College	OEA	48	Jefferson	4/16 7/28	104	
Youngstown City School Dist.	Youngstown Ed. Assoc.	1000	Mahoning	9/2 9/2	1	
Tuscarawas Co. Dept. of Human Services	AFSCME Local 2308	45	Tuscarawas	9/2 10/21	50	
Newton Falls B. of Ed.	Newton Falls Classroom Teachers Assoc.	99	Trumbull	9/2 9/5	4	
Marietta B. of Ed.	Marietta Ed. Assoc.	225	Washington	9/3 10/6	34	
Columbiana Exempted Village B. of Ed.	Columbiana Ed. Assoc.	76	Jefferson	9/15 10/19	35	
Painesville City B. of Ed.	Painesville City Teachers Assoc.	158	Lake	9/15 9/17	3	
Lorain Co. Dept. of Human Services	UAW Local 2192	200	Lorain	10/31 11/23	24	
Fairland Local Schools Dist.	Fairland Assoc. of Classroom Teachers	98	Lawrence	11/3 11/3	1	
Central Ohio Transit Authority	TWUA Local 208	630	Franklin	11/24 11/25	2	
Central Ohio Transit Authority	TWUA Local 208	630	Franklin	12/9 2/9/87	63	

1987

Employer	Employee Organization	Size of Unit	County	Dates	Length
Liberty Local B. of Ed.	Liberty Ed. Assoc.	100	Trumbull	1/1/87	12 days
City of Youngstown	FOP Lodge 28	50	Mahoning	1/27 1/27	1
Fairhaven 169 School Board	AFSCME Local 1992	125	Trumbull	2/11 2/12	2
Richland Co. Engineer	OCSEA/AFSCME (Service Workers)	48	Richland	2/15 3/22	36
Brookfield B. of Ed.	Brookfield Fed. of Teachers	Unknown	Trumbull	5/4 5/20	17
Harrison Hills City School Dist. B. of Ed.	Harrison Hills Teachers Assoc.	Unknown	Harrison	8/24 8/24	1
Cuyahoga Heights B. of Ed.	Cuyahoga Hts. Assoc. of Teachers	Unknown	Cuyahoga	8/26 8/28	3
Berkshire Local School Dist.	Berkshire Ed. Assoc.	82	Geauga	9/1 9/14	14
North Ridgeville B. of Ed.	North Ridgeville Ed. Assoc.	243	Lorain	9/1 9/16	16
City of Clyde	AFSCME, Ohio Council 8, Local 1940 (Service/ Clerical)	25	Sandusky	9/1 9/17	17
Youngstown City B. of Ed.	Youngstown Ed. Assoc.	1000	Mahoning	9/9 10/5	27
Pymatuning Valley Local School Dist.	Pymatuning Valley Ed. Assoc.	79	Ashtabula	9/21 9/22	2

Richland Co. Dept. of Human Services	AFSCME, Local 1295 (Cler./Prof.)	75	Richland	9/25 10/4	10
Shawnee State Univ.	Shawnee Ed. Assoc.	75	Scioto	10/2 10/5	4
Fort Frye Local School Dist.	Fort Frye Teachers Assoc.	73	Athens	10/19 11/16	29
Carlisle Local B. of Ed.	Carlisle Teachers Assoc.	118	Warren	10/27 11/2	7
Meigs Local School Dist.	Meigs Local Teachers Assoc.	155	Meigs	11/6/87 1/21/88	77
Ashtabula Area City B. of Ed.	Ashtabula Area Teachers Assoc.	286	Ashtabula	12/1 12/13	13

1988

Employer	Employee Organization	Size of Unit	County	Dates	Length
East Cleveland City Schools	OAPSE (Non-Teaching)	275	Cuyahoga	2/1 2/9	9 days
SORTA/Queen City Metro	Amalgamated Transit Union 627 (Bus Drivers)	735	Hamilton	2/2 2/12	11
Summit Co. B. of MR/DD	Weaver Ed. Assoc.	140	Summit	2/2 2/9	8
Cleveland City School Dist.	Cleveland Teachers Union, Local 279	5200	Cuyahoga	2/25 3/7	12
Guernsey Co. B. of MR/DD	Guernsey-Noble Mental Retardation (Instructors/Therapists)	48	Guernsey	4/26 5/20	25
Meigs Co. Dept. of Human Serv.	AFSCME, Ohio Council 8 (Service Workers)	30	Meigs	8/1 11/7	99
Cuyahoga Co. B. of MR/DD	Cuyahoga Co. Teachers of the Retarded	266	Cuyahoga	9/6 9/20	15
Mad River-Green Local B. of Ed.	Mad River-Green Local Ed. Assoc.	110	Clark	9/9 9/10	2
Lordstown B. of Ed.	Lordstown Teachers Assoc.	70	Trumbull	9/12 9/21	10
Barbarton City B. of Ed.	Barbarton Teachers Assoc.	277	Summit	10/3 10/21	19
Canton RTA	AFSCME (Drivers and Mechanics)	74	Stark	10/17 12/30	75
Talawanda City B. of Ed.	Talawanda Educator's Assoc.	180	Butler	10/27 11/7	12
Antwerp Local B. of Ed.	Antwerp Education Assoc.	45	Paulding	11/22 11/30	9
Washington Co. Dept. of Human Services/B. of Commissioners	AFSCME, Ohio Council 8, Local 772	46	Washington	12/2/88 2/10/89	71

1989

Employer	Employee Organization	Size of Unit	County	Dates	Length
Akron B. of Ed.	Akron Ed. Assoc.	2230	Summit	1/4/89 1/17/89	14 days
Groveport Madison Local B. of Ed.	Groveport Madison Local Ed. Assoc.	350	Franklin	1/18 1/19	2
Groveport Madison Local B. of Ed.	Groveport Madison Local Ed. Assoc.	350	Franklin	1/31 2/20	21
Fairview Park City B. of Ed.	Fairview Park Ed. Assoc.	112	Cuyahoga	2/10 2/15	6
Claymont City Schools B. of Ed.	OAPSE (non-Teaching)	50	Tuscarawas	3/13 3/25	13
Cuyahoga Co. Hospitals	AFSCME, Locals 3353 & 3360 (Service Workers)	2,194	Cuyahoga	3/27 4/17	22
Seneca Co. Engineer	AFSCME, Ohio Council 8 (Service/Maint.)	25	Seneca	6/5 7/20	46
Warren City B. of Ed.	Warren Ed. Assoc.	585	Trumbull	8/28 9/11	15
Indian Creek Local B. of Ed.	Indian Creek Ed. Assoc.	150	Jefferson	8/28 9/17	21
Shaker Heights B. of Ed.	OAPSE (Clerical)	50	Cuyahoga	9/18 9/27	10
Youngstown State Univ.	YSU, Chapter of OEA	427	Mahoning	9/20 9/21	2
University of Cincinnati	SEIU (Service Workers)	1,200	Hamilton	9/26 9/26	1 hour
U. of Cincinnati	SEIU (Service Workers)	1,200	Hamilton	9/28 9/28	1 day
New Lexington B. of Ed.	New Lexington Ed. Assoc. (Certified Personnel)	120	Perry	10/6 10/11	6

1990

Employer	Employee Organization	Size of Unit	County	Dates	Length
Beaver Local School	Beaver Local Ed. Assoc.	140	Columbiana	1/18/90 3/2/90	44days*
Richland Co. Engineer	OSCEA/AFSCME Local 11 (Service Workers)	40	Richland	2/1 4/13	72
Bristol Local Schools	Bristol Assn. of School Employees (Teaching/Non-Teach)	86	Trumbull	2/15 4/6	51
Avon Lake City Schools	Avon Lake ED. Assoc.	171	Lorain	3/1 3/8	8*
Aurora City Schools	OAPSE (Custodial/ Transportation)	30	Portage	3/7 3/21	15
Erie Co. Dept. of Human Services/ B. of Commissioners	AFSCME, OC 8, Local 3616 (Technical/ Service)	64	Erie	4/9 4/13	5
Girard City Schools	OAPSE (Non-Teaching)	46	Trumbull	9/5 9/17	13
City of Gallipolis	AFSCME, OC 8, Local 1316 (Service Workers)	26	Gallia	9/5 9/10	2**
Summit Co. B. of MR/DD	Weaver Workshop & Support Assoc. (Non-Teaching)	106	Summit	Strike notices continuous 9/17-9/28	
	Weaver Ed. Assoc.	150		9/17 10/12	26*
Shawnee State University	Shawnee Ed. Assoc.	101	Scioto	10/8 10/21	14
Minerva Local Schools B. of Ed.	OAPSE (Non-Teaching)	80	Stark	10/11 10/27	17
Lawrence Co. Dept. of Human Services	AFSCME, OC 8, Local 3319 (Service Workers)	105	Lawrence	10/22 10/26	5
Buckeye Local Schools	OAPSE (Non-Teaching)	45	Medina	10/30 11/8	10

Campbell City Schools B. of Ed.	OAPSE (non-Teach) Campbell Ed. Assoc. (Cert. Personnel)	45 90	Mahoning	10/6 10/11	6
U. of Cincinnati	SEIU, Dist. 925 (Service Workers)	1,200	Hamilton	10/18 10/18	1
Wellston City Schools B. of Ed.	OAPSE (Non-Teaching) Wellston Teachers Assoc.	47 111	Jackson	11/28 11/28	1

1991

Employer	Employee Organization	Size of Unit	County	Dates	Length
Kettering City School Dist.	Kettering Classroom Teachers Assn.	490	Montgomery	1/24 1/27	4 days*
Olmsted Falls City Schools	OAPSE (Non-Teaching)	60	Cuyahoga	3/15 3/20	6
Summit Co. Dept. of Human Services	AFSCME, OC 8, Local 2696 (Service/Clerical)	504	Summit	4/1 4/4	4
Summit Co. Prosecutor (Child Support Enforcement Agency)	AFSCME, OC 8, Local 2696 (Clerical)	83	Summit	4/1 5/10	40
Mayfield City Schools	Mayfield Assn. of Support Personnel (Non-Teaching)	80	Cuyahoga	4/12 4/14	3
Mayfield City Schools	Mayfield Ed. Assn. School Support Personnel (Clerical)	75			
Mayfield City Schools	Mayfield Ed. Assn. (Teachers)	250			
Summit Co. Dept. of Human Services	AFSCME, OC 8, Local 2696 (Service/Clerical)	388	Summit	4/16 5/10	25
Gallia Co. Engineer	Gallia Co. Engineer's Employees (Service Workers)	30	Gallia	5/6 6/12	38
Summit Co. Children Services Bd.	CWA, Local 4546 (Clerical/Service)	305	Summit	5/21 8/2	74
U. of Cincinnati	Int. Union of Operating Engineers, Local 20 (Service)	110	Hamilton	7/30 8/2	4
Sheffield-Sheffield Lake City Schools	Sheffield-Sheffield Lake Teachers	136	Lorain	8/27 9/10	15
Niles City Schools	Niles Classroom Teachers	177	Trumbull	9/3 9/13	11

Howland Local Schools	Howland Class Teachers' Assoc.	175	Trumbull	9/4 9/8	5
Weathersfield Local Schools	Weathersfield Teachers' Assoc.	60	Trumbull	9/4 9/5	2
City of Athens	AFSCME, OC 8, Local 2403 (Service)	51	Athens	9/16 9/20	5
Buckeye Joint Vocational School	Buckeye Ed. Assoc. (Teachers and Service)	99	Tuscarawas	10/21 10/28	8
Mahoning Co. Dept. of Human Services	AFSCME, OC 8, Local 2001 (Clerical/Service)	275	Mahoning	10/28 11/8	12
Rossford Exempted Village Schools	Rossford Assn. of Classroom Teachers	130	Wood	11/4 11/9	6

1992

Employer	Employee Organization	Size of Unit	County	Dates	Length
Liberty Local Schools	Liberty Ed. Assn.	100	Trumbull	1/1/92 1/6/92	6
Bay Village CS	Bay Teachers Assn.	165	Cuyahoga	2/12 3/2	20
Medina Co. VS	MCVC, Ed. Assn.	75	Medina	4/9 4/26	18
Allen Co. Children Services	CWA (Clerical/Technical)	50	Allen	4/27 7/31	96
Hocking Tech College	Hocking Technical College Ed. Assn.	54	Athens	5/15 5/15	1
Pickaway Co. HS	CWA (Clerical/Technical)	31	Pickaway	9/1 9/14	14
Springfield B. of Ed.	Springfield Classroom Teachers	78	Mahoning	9/9 10/25	47
U. of Cincinnati	SEIU, Dist. 925 (Clerical)	1200	Hamilton	9/28 9/30	3
Triway Local Schools	Triway Local Classroom Teachers	120	Wayne	10/9 10/11	3
Elyria City Schools	OAPSE/AFSCME Local 4 (Non-Certified)	485	Lorain	12/4 12/9	5

1993

Employer	Employee Organization	Size of Unit	County	Dates	Length
Clermont Co. MR/DD	Clermont Co. Special Ed. Assn. (Prof./Service)	120	Clermont	3/15 3/25	11
Dayton City Schools	Dayton Ed. Assn.	2,000	Montgomery	3/25 4/9	16
U. of Cincinnati	AAUP (Professors)	1916	Hamilton	3/29 4/2	5
Mahoning Co. Engineer	IBT, Local 377 (Technical/Clerical)	108	Mahoning	8/16 8/17	1
Switzerland of Ohio Local Schools	Switzerland of Ohio Ed. Assn.	200	Monroe	9/7 9/17	5 (1/2 days)
				9/20 10/1	10 (1/2 days)
				10/4 11/1	21 (1/2 days)
				11/1 11/14	10 (1/2 days)
				11/15 11/15	1
Youngstown City Schools	Youngstown Ed. Assn.	1,000	Mahoning	9/8 10/5	28
Springfield Local Schools	OAPSE/AFSCME Local 530 (Non-Teaching)	25	Summit	9/14 9/17	4
Cuyahoga Co. Comm. (Dog Warden)	CCWPD, IBT Local 244 (Dog Warden/ Dispatcher)	13	Cuyahoga	9/27 12/3	68
Ashtabula Co. MR/DD	Ashtabula Co. Emp. Assn. for the Mentally Handicapped (Professionals)	110	Ashtabula	9/28 10/5	8
				10/4 11/1	21 (1/2 days)

Napolean City Schools	Napolean Faculty Assn.	140	Henry	10/13 11/7	18 (1/2 days)
				11/8 11/24	13 (1/2 days)
				11/25 11/29	3 (1/2 days)
				11/30 11/30	1 (1/2 day)
Southern Local Schools	OAPSE (Non-Teaching)	40	Columbiana	10/28/93 1/8/94	74
Southern Local Schools	Southern Local Teachers Assn.	69	Columbiana	10/28 11/14	12 (1/2 days)
				11/14 continues to 1/16/94	2 (1/2 days) 58 full days 16 (1/2 days)

GLOSSARY OF TERMS

SERB's current case typing system uses these designations:

EORC	Employee Organization Reporting Complaint
JWD	Jurisdictional Work Dispute
MED	Mediation
RBT	Fair Share Rebate Determination
REP	Representation
RLX	Religious Exemption
STK	Employer's Request for Determination of Unauthorized Strike
ULP	Unfair Labor Practice

(SERB used different case designations before January 1, 1987.)

The following abbreviations are in common administrative use:

HOPO	Hearing Officer's Proposed Order (recommendation in a ULP complaint case)
HORD	Hearing Officer's Recommended Determination (recommendation in a non-ULP case)
MAD	Mutually Agreed Alternate Dispute Resolution Procedure (negotiations procedure adopted by the parties which supercedes the statutory procedure)

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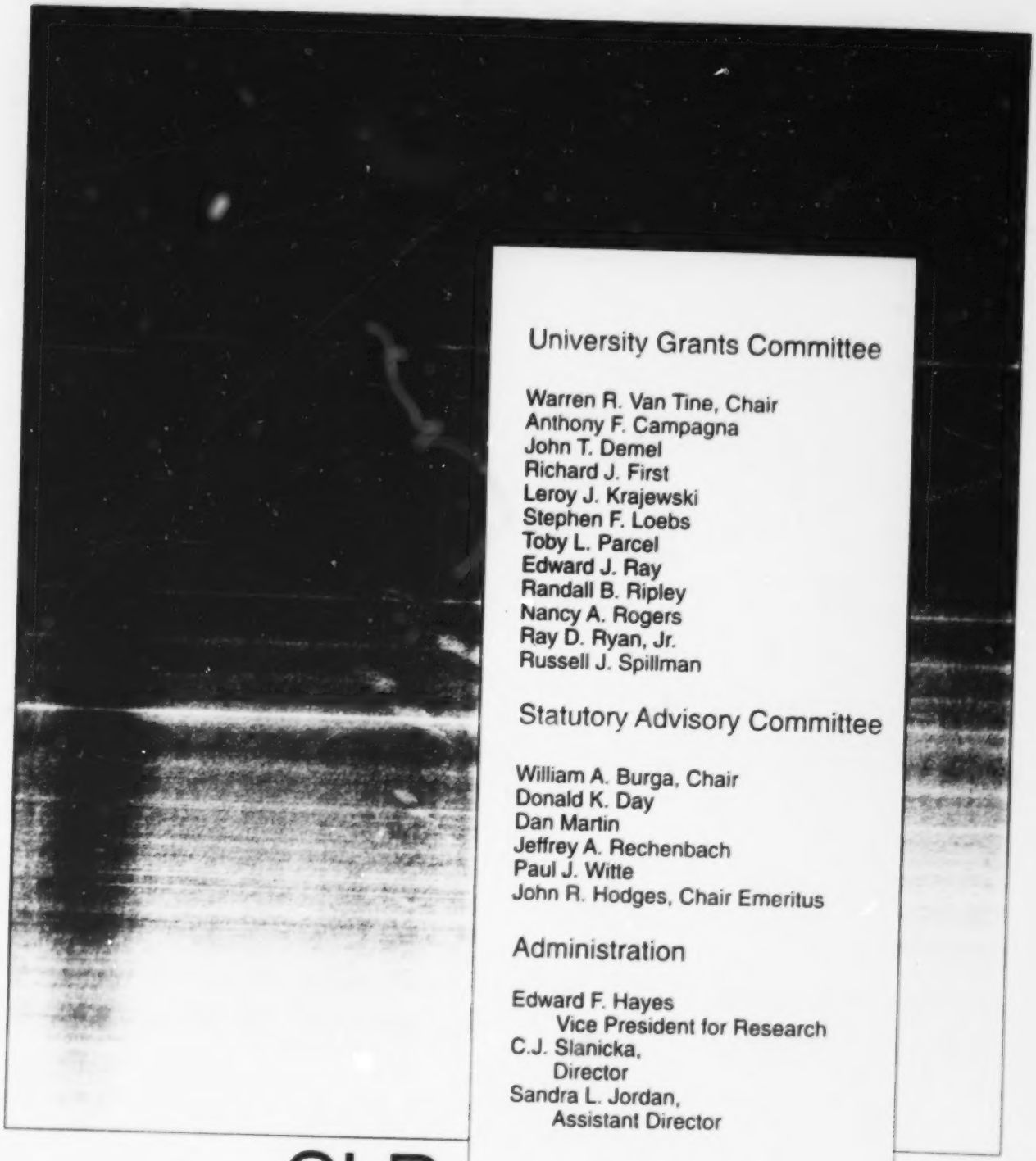

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